

**State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA**

**Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, August 30, 2006
10:00 a.m.**

**Foster City, California
&
Sacramento, California
&
West Covina, California**

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: August 18, 2006

RE: Closed Session of the Board on August 30, 2006

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)

1. SOUTHERN CALIFORNIA EDISON, 03-R3D1-4159

ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

1. ABC WINDOW COMPANY, 04-R3D3-127
2. AMERICAN LUMBER COMPANY, 06-R2D4-1549

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For August 30, 2006
Page 2

3. ROBERT ANDREWS, 05-R4D3-4456
4. ARDEN ENGINEERING, INC., 04-R3D1-1002
5. ARMORCAST PRODUCTS COMPANY, 05-R4D3-4453 THROUGH 4455
6. ARVIN SANGO, INC., 06-R2D4-1541 THROUGH 1546
7. AUTO CHLOR SYSTEM, INC., 05-R4D4-1045 AND 1046
8. BETLEW MECHANICAL, 04-R1D4-463 AND 464
9. JUAN BRIONES, 06-R2D3-1271
10. BUTTE DRYWALL, 06-R2D3-117
11. CALIFORNIA CASCADE WOODLAND, 06-R2D1-391 AND 392
12. CALIFORNIA DAIRIES, 04-R6D1-1699 THROUGH 1702
13. CALIFORNIA PACKING, 06-R2D4-1547 AND 1548
14. CALIFORNIA WHOLESALE MATERIAL SUPPLY, 06-R3D1-500
15. CENTRAL VALLEY SHIPPERS, 06-R2D5-478
16. CHEMA AND TONIA dba BOBBY SALAZAR'S, 06-R2D7-1283
17. CROSNO CONSTRUCTION, INC., 06-R2D3-464
18. DENNY'S, 04-R4D1-2742
19. DRILL TECH DRILLING AND SHORING, INC., 04-R5D1-557
20. EXPO ART SIGNS AND GRAPHIC DESIGN, 06-R2D3-399 AND 400
21. FRESNO TRUSS, LLC, 06-R2D5-909 AND 910
22. G.C.U. TRUCKING, INC., 06-R2D4-1800
23. SHAHNAZ GORSI dba S G SERVICES, FLC, 06-R2D3-463
24. JC CONSTRUCTION, 05-R4D3-4154 AND 4155, 06-R4D3-3029
25. JDL EXCAVATION & CONSTRUCTION, 06-R2D3-118 AND 119

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For August 30, 2006
Page 3

26. JINHAI, INC. dba CHINA BUFFET, 06-R2D5-1063 AND 1064
27. L.C. VEALE & SON EXCAVATION, 06-R2D1-1520
28. LAKE SHORE RESORT, 06-R2D5-0038 & 1382
29. LAND O' LAKES, INC., 06-R2D5-242
30. LARRY'S LIGHTING & ELECTRIC, 06-R2D3-212
31. LA VINA RANCH, 06-R2D5-480
32. LIQUID DESIGN, 05-R4D1-3342 THROUGH 3345
33. MBC CONSTRUCTION, INC., 06-R3D1-303
34. MADERA COUNTY ANIMAL CONTROL SHELTER, 05-R2D5-3428
35. MANNING DISTRIBUTION SERVICES, INC., 06-R1D3-1975
36. McCARTHY STEEL, 05-R4D3-3365 AND 3366
37. MIKE CAMPBELL & ASSOCIATES, LTD., 05-R2D4-4391 AND 4392, 4251
38. MOTOR CARGO, 06-R2D1-448
39. NISSIN FOODS (USA) CO, INC., 05-R4D1-372 AND 373
40. OAKRIDGE WINERY, 06-R2D4-1787 THROUGH 1791
41. PABON CONSTRUCTION, 04-R3D3-3338 AND 3339
42. PRITCHARD CONSTRUCTION, 03-R3D2-2268 AND 2269
43. R.J. LO CICERO, CORP., 06-R2D1-443
44. R.M.E., INC., dba WOODBRIDGE WINERY, 05-R2D4-4090
45. RAFAEL ANDRADE FLC, 04-R2D4-2675
46. REYNEN BARDIS COMMUNITIES, 04-R2D1-1937
47. RIDGELINE FRAMING CORPORATION, 05-R2D4-1896
48. RON RUSHING, INC., dba TULARE IRON AND METAL BODY CRUSHERS,

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For August 30, 2006
Page 4

06-R2D4-1792 AND 1793

49. SAFEWAY FOOD & DRUG dba SAFEWAY #1266, 06-R2D1-1521
50. SENSIENT DEHYDRATED FLAVORS, CO., 06-R2D5-1059
51. SIERRA PACIFIC INDUSTRIES, 06-R2D1-442
52. SIMPSON TIMBER, CO., 06-R2D3-453 THROUGH 458
53. SPORT BOAT TRAILERS, 06-R2D4-1794 THROUGH 1797
54. TAGATZ PAINTING, CO., 06-R2D3-467 AND 468
55. VALLEY VINYL COMPANY, 06-R2D4-1550
56. WEST BUILDERS, INC., 05-R1D4-4059 THROUGH 4061
57. WESTERN STATES WHOLESALE, 05-R3D3-2835 THROUGH 2839
58. WILLIAM KREMIN ELECTRICAL CONTRACTOR, 04-R4D2-1784 AND 1785
59. SOON NAM YANG dba DEBORA FASHION INC., 05-R4D1-539 THROUGH 541

PETITIONS FOR RECONSIDERATION:

(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)

1. GLOBAL BAKERIES, 02-R6D2-3821 AND 3822

DENIAL OF PETITION FOR RECONSIDERATION (DRAFT):

NONE

DECISIONS AFTER RECONSIDERATION (DRAFTS):

(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)

1. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
2. AC FRAMERS INC., 03-R2D3-3475

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For August 30, 2006
Page 5

3. AIR PRODUCTS AND CHEMICALS, INC., 06-R3D7-151 THROUGH 154
4. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
5. BLUE DIAMOND MATERIALS, 02-R5D2-1268
6. BRYDENSCOT METAL PRODUCTS, 03-R3D3-3554 AND 3555
7. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
8. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
9. CITY OF COMMERCE, 03-R4D2-2628
10. CITY OF LOS ANGELES FIRE DEPARTMENT, 03-R2D5-3960
11. COX COMMUNICATIONS, 03-R3D2-1942
12. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
13. E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
14. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3130 & 3131
15. GLASS PAK, 03-R2D2-0750 AND 0751
16. HARRIS CONSTRUCTION COMPANY, INC., 03-R2D5-3914
17. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
18. HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 & 1619
19. HUSSMAN CORPORATION, 03-R3D1-2939
20. ILH CONSTRUCTION, 02-R1D1-4171 & 4172
21. IMPERIAL HIGHWAY CHEVRON, 03-R4D2-2778 THROUGH 2780
22. J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
23. K. A. BINE CONSTRUCTION, 03-R1D5-2031
24. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
25. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For August 30, 2006
Page 6

26. KNOTT'S BERRY FARM, 01-R3D1-4331 & 4332
27. LONG BEACH CITY COLLEGE, 03-R3D5-2747
28. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
29. LOWPENSKY MOULDING, 03-R1D1-3405
30. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
31. McDONALDS #10660, 03-R1D3-4116 & 4117
32. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
33. NORTH FORK SPRINGS CONSTRUCTION, 02-R4D1-199 THROUGH 202
34. PMR RACE CARS, 03-R3D3-1824 & 1825
35. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
36. RII PLASTERING INC., 02-R3D1-2679
37. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH 1656
38. SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
39. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
40. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
41. TRIO METAL, 03-R4D4-0316 & 0317
42. UNITED AIRLINES, 00-R1D5-2844
43. WAREHOUSE DEMO SERVICES, 03-R1D4-3427
44. WESTERN DOOR, 01-R3D1-2827
45. WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 & 3018

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For August 30, 2006
Page 7

PENDING LITIGATION

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

SUPERIOR COURT:

1. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
2. TEICHERT AGGREGATES, 03CS00659 (01-1193)
3. HARBOR SAND & GRAVEL, INC., 03CS00974 (01-1016)
4. LUIS E AVILA (E & L AVILA LABOR), ECU01582 (00-4067)
5. MOUNTAIN CASCADE, 03CS01655 (01-3561)
6. RUDOLPH & SLETTEN, 04CS00540 (01-478)
7. PACIFIC RESOURCE RECOVERY, 04CS00695 (00-1108)
8. MATAROZZI-PELSINGER BUILDERS, 04CS01204 (01-1400)
9. BLF FRAMING, INC., 04CS01618 (02-1837/38)
10. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)

APPELLATE COURT:

1. C. OVERAA & CO., CO51245 (04CS00570) 01-3560
2. THE HERRICK CORP., CO51506 (01CS00438) 97-1373

OTHER LEGAL MATTERS

(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)

PERSONNEL

(Issues regarding staff.)

Any matter not completed at this Closed Session may be continued to subsequent meetings.